



CITY COUNCIL  
**Staff Report**

**Meeting Date:** April 25, 2017  
**To:** Mayor and City Council  
**From:** Kevin Crawford, City Manager  
**Staff Contact:** Heather Stroud, Deputy City Attorney  
[heather.stroud@carlsbadca.gov](mailto:heather.stroud@carlsbadca.gov) or 760-434-2891  
Mickey Williams, Police Captain  
[mickey.williams@carlsbadca.gov](mailto:mickey.williams@carlsbadca.gov) or 760-931-2260  
**Subject:** Introduction of an ordinance adding Chapter 8.90 (Marijuana) to Title 8 of the Carlsbad Municipal Code to prohibit commercial marijuana activity and regulate the cultivation of marijuana for personal use, and amending Section 1.08.010 of Chapter 1.08 (Penalty) to make violations of Chapter 8.90 misdemeanors

**Recommended Action**

Introduce an ordinance adding Chapter 8.90 (Marijuana) to Title 8 of the Carlsbad Municipal Code to prohibit commercial marijuana activity and regulate the cultivation of marijuana for personal use, and amending Section 1.08.010 of Chapter 1.08 (Penalty) to make violations of Chapter 8.90 misdemeanors.

**Executive Summary**

The Carlsbad Municipal Code currently prohibits all commercial marijuana activity through permissive zoning, by which all uses not expressly allowed are prohibited. The purpose of this ordinance is to preserve the status quo by expressly prohibiting commercial marijuana activity. An express prohibition is advisable to preserve the status quo because of two recent state laws: the Medical Marijuana Regulation and Safety Act, effective January 1, 2016, and the Adult Use of Marijuana Act, also known as Proposition 64, effective November 9, 2016. Together, these state laws create a state licensing and regulatory scheme for medical and non-medical marijuana. The state laws preserve local authority to prohibit commercial marijuana activity. An express prohibition is desirable to preserve local control and prevent the issuance of state licenses for marijuana businesses to operate in Carlsbad. The state intends to begin issuing licenses under these laws by January 1, 2018.

The proposed ordinance also regulates the cultivation of marijuana for personal use, consistent with Proposition 64. The ordinance bans outdoor cultivation and requires that indoor cultivation of up to six plants at a private residence be completely enclosed, secured, and screened from view from public places and neighboring properties.

## Discussion

### State and Federal Law

On November 8, 2016, California voters approved Proposition 64, which took effect on November 9, 2016. Carlsbad voters were 57 percent in favor of Proposition 64 and 43 percent opposed, which is similar to the San Diego County and statewide figures. For adults over the age of 21, Proposition 64 allows personal use of marijuana, possession of up to 28.5 grams of marijuana (or 4 grams in concentrated form), and cultivation of up to six plants on residential property for personal use. It preserves cities' ability to ban outdoor cultivation and to "reasonably regulate," but not ban, indoor cultivation for personal use at private residences. Proposition 64 prohibits smoking or ingesting marijuana in any public place and while driving or riding in a motor vehicle. It also prohibits smoking marijuana where smoking tobacco is prohibited and within 1,000 feet of a school, day care center, or youth center when children are present.

Proposition 64 sets up a state licensing and regulatory scheme for commercial marijuana activities including retail sales, cultivation, delivery, distribution, manufacturing, and testing. Proposition 64 preserves the ability of cities to prohibit or regulate these commercial activities within their jurisdictions. Proof of local approval is not required by the state prior to issuing licenses. Thus, enacting an express ban is advisable instead of reliance on permissive zoning to prevent the state from issuing licenses to marijuana businesses to operate in Carlsbad.

On October 9, 2015, Governor Jerry Brown signed three bills (AB 243, AB 266, and SB 643) collectively known as the Medical Marijuana Regulation and Safety Act, which became effective on January 1, 2016. Like Proposition 64, this law requires state licenses for the cultivation and delivery of medical marijuana, but preserves local authority to prohibit these activities. Any local prohibition of delivery of medical marijuana must be explicit in order to preclude the state from issuing licenses to deliver within a city's jurisdiction.

The federal Controlled Substances Act, 21 U.S.C. section 801 to 889, makes it unlawful to manufacture, distribute, dispense, or possess marijuana. Under a 2014 memorandum from the U.S. Department of Justice, federal enforcement priorities focused on more serious marijuana-related crimes such as distribution to minors, preventing revenue from going to large-scale criminal enterprises, preventing diversion of marijuana from states where it is legal to other states, and preventing violence and the use of firearms in cultivation and distribution of marijuana. It is unclear what enforcement position the current administration will take on this issue.

### The City's Current Prohibition on Commercial Marijuana Activities

The city currently prohibits all commercial marijuana activity under the city's zoning ordinance as a non-permitted use and a non-permitted business under its licensing ordinance. The city enacted Title 21 of the Carlsbad Municipal Code as a permissive zoning code by ordinance, as set forth in Carlsbad Municipal Code section 21.05.080. A permissive zoning code permits only those land uses expressly contained in a list of uses authorized in a zoning classification, and thereby prohibits all uses not listed. *City of Corona v. Naulls*, 166 Cal. App. 4th 418 (2008). The city's zoning code does not expressly list marijuana-related uses or marijuana businesses among



the permitted uses, and therefore, such uses always have been and continue to be prohibited in the city.

The city has uniformly and consistently interpreted Title 21 of the Carlsbad Municipal Code as a permissive zoning code and has relied upon its permissive zoning code to prohibit marijuana related uses, medical marijuana related land uses and medical marijuana businesses. For example, City Council Resolution number 2010-194 stated that “[t]he City of Carlsbad views medical marijuana collectives and cooperatives as an enterprise that is prohibited under the City’s zoning ordinance as a non-permitted use and non-permitted business under its licensing ordinance.” The city’s licensing ordinance, Carlsbad Municipal Code section 5.04.160, prohibits “any business, operation or use that cannot be conducted or carried out without being in violation of state or federal law.” The federal Controlled Substances Act, 21 U.S.C. section 801 to 889, makes it unlawful to manufacture, distribute, dispense, or possess marijuana.

#### Reasons to Continue Prohibition of Commercial Marijuana Activities in Carlsbad

Commercial marijuana activity has judicially recognized adverse secondary effects on the community including, but not limited to, increases in crime in the vicinity of or as a result of the commercial marijuana activity; increases of fraud in obtaining or using state-issued identification cards and licenses; interference with residential property owners’ enjoyment of their properties when such properties are located in the vicinity of commercial marijuana activity as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. *E.g., County of Los Angeles v. Hill*, 192 Cal. App. 4th 861, 871-72 (2011) (relying on the county’s evidence that most medical marijuana dispensaries are “cash only” businesses that make them targets for a disproportionate amount of violent crime including robberies and burglaries, and they attract loitering and marijuana smoking on or near the premises).

Prohibition of commercial marijuana activity is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of commercial marijuana activity while at the same time protecting the rights of those individuals who desire to use marijuana within his or her private residence as authorized under Proposition 64.

Marijuana-related activities have resulted in crimes committed in Carlsbad including the following:

- The Police Department has shut down two medical marijuana dispensaries that were operating illegally.
- In Spring 2016, the Police Department arrested a suspect caught supplying marijuana to high-school-aged youths through a delivery service, and recovered \$3,000 and 5.5 pounds of marijuana.
- In November 2016, the Police Department responded to an explosion caused by a chemical marijuana extraction process at an apartment building that had caused a fire and blown out all of the windows in the unit. The officers located butane honey oil manufacturing products and 61 pounds of loose marijuana on site.

- In February 2017, a marijuana delivery driver was robbed at gunpoint while waiting in the parking lot of Carl's Jr. in the Village. The delivery driver was waiting for the customer to make the delivery when robbed.

Permitting commercial marijuana activities in Carlsbad would increase the availability of marijuana and risk increasing these types of crimes and the demand on the Police Department and other enforcement staff. Colorado, which legalized medical marijuana in 2009 and "recreational" marijuana in 2013, has experienced secondary effects such as increases in property and violent crimes, marijuana-related traffic deaths, youth marijuana use, and marijuana-related emergency room admissions. See Rocky Mountain High Intensity Drug Trafficking Area, *The Legalization of Marijuana in Colorado: The Impact* (vol. 4, Sept. 2016).

The state does not have its regulatory and licensing program in place yet. Preserving the ban on commercial marijuana activities in the meantime would allow time for the state to establish and implement its programs under the Medical Marijuana Regulation and Safety Act and Proposition 64, and to observe their operation in other jurisdictions before deciding whether to eventually permit these activities in Carlsbad.

#### The Proposed Ordinance

Chapter 8.90, titled "Marijuana," would be added to Title 8 (Public Peace, Morals and Safety) of the Carlsbad Municipal Code. The ordinance would expressly prohibit all commercial marijuana activity in the city including cultivation, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery of marijuana requiring a state license. The ordinance also would expressly prohibit outdoor cultivation for personal use, and allow indoor cultivation at a private residence in accordance with Proposition 64 only in a code compliant enclosed and secured structure where the marijuana is completely screened from view from public places and neighboring properties. The ordinance would expressly prohibit smoking or ingesting marijuana in any public place, consistent with Proposition 64.

Section 8.90.040 states that any violation of Chapter 8.90 is a public nuisance that may be abated or enjoined. Additionally, Section 1.08.010 would be amended to add Chapter 8.90 to the list of provisions subject to criminal prosecution as a misdemeanor. New Section 8.90.050 makes exceptions from misdemeanor prosecution for violations that are limited to infractions by Proposition 64 and where the limited exemptions from criminal prosecution related to qualified patients and primary caregivers apply.

#### Fiscal Analysis

The proposed ordinance would preserve the status quo and thereby has no fiscal impact. Opting to regulate and tax commercial marijuana activities instead of banning them could provide tax revenue to the city. Additionally, Proposition 64 sets up a state grant fund for law enforcement, fire protection, or other local programs addressing public health and safety associated with implementing this law. However, cities that ban commercial cultivation, personal outdoor cultivation at a private residence, or the retail sale of marijuana are ineligible to receive these grant funds.

### **Next Steps**

At the direction of City Council, adoption of the proposed ordinance will be scheduled at a future City Council meeting. If adopted, staff will send the ordinance to the state agencies responsible for issuing licenses for commercial marijuana activities. This would mitigate the risk of erroneously issued state licenses for commercial marijuana activities to operate in Carlsbad.

### **Environmental Evaluation (CEQA)**

The requested action is not a project within the definition of the California Code of Regulations, Title 14, Chapter 3, section 15378(a) since the action has no potential for resulting in either a direct change in the environment or a reasonably foreseeable indirect change in the environment.

### **Public Notification**

None required.

### **Exhibits**

1. Ordinance adding Chapter 8.90 to Title 8 of the Carlsbad Municipal Code to prohibit commercial marijuana activity and regulate the cultivation of marijuana for personal use, and amending Section 1.08.010 of Chapter 1.08 (Penalty) to make violations of Chapter 8.90 misdemeanors.
2. Redline/strikeout version of the ordinance.



**ORDINANCE NO.**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADDING CHAPTER 8.90 (MARIJUANA) TO TITLE 8 OF THE CARLSBAD MUNICIPAL CODE TO PROHIBIT COMMERCIAL MARIJUANA ACTIVITY AND REGULATE THE CULTIVATION OF MARIJUANA FOR PERSONAL USE, AND AMENDING SECTION 1.08.010 OF CHAPTER 1.08 (PENALTY) TO MAKE VIOLATIONS OF CHAPTER 8.90 MISDEMEANORS

WHEREAS, the Carlsbad Municipal Code currently prohibits all commercial marijuana activity through permissive zoning, by which all uses not expressly allowed are prohibited; and

WHEREAS, the federal Controlled Substances Act, 21 U.S.C. section 801 to 899, makes it unlawful to manufacture, distribute, dispense, or possess marijuana; and

WHEREAS, on January 1, 2016, the California Medical Marijuana Regulation and Safety Act became effective, requiring cities desiring to ban delivery of marijuana to do so expressly to avoid state-issued licenses to deliver within a city's jurisdiction; and

WHEREAS, on November 9, 2016, the Adult Use of Marijuana Act, also known as Proposition 64, became effective, authorizing certain personal use and cultivation of marijuana at a private residence and creating a state licensing and regulatory scheme for various commercial marijuana activities; and

WHEREAS, Proposition 64 preserves cities' authority to prohibit commercial marijuana activity, and to reasonably regulate indoor cultivation and ban outdoor cultivation for personal use within their jurisdictions; and

WHEREAS, the state does not yet have its regulatory and licensing program in place but intends to begin issuing licenses under these laws by January 1, 2018; and

WHEREAS, the purpose of this ordinance is to preserve the status quo by expressly prohibiting commercial marijuana activity to avoid the issuance of state licenses for commercial marijuana activities within Carlsbad's jurisdiction, and to ban outdoor cultivation and reasonably regulate indoor cultivation at a private residence by requiring the structure be completely enclosed, secured, and screened from view from public places and neighboring properties; and

WHEREAS, marijuana-related activities have resulted in crimes committed in Carlsbad including illegally operating dispensaries, delivery and sale of marijuana to youths, an explosion at an apartment

building from a large-scale chemical marijuana extraction process, and the robbery of a marijuana delivery driver at gunpoint; and

WHEREAS, permitting commercial marijuana activities in Carlsbad would increase the availability of marijuana and risk increasing marijuana-related crimes and other undesirable secondary effects such as marijuana-related traffic deaths, youth marijuana use, and marijuana-related emergency room admissions; and

NOW, THEREFORE, the City Council of the City of Carlsbad, California, does ordain as follows that:

SECTION 1: The above recitations are true and correct.

SECTION 2: That Chapter 8.90 is added to the Carlsbad Municipal Code to read as follows:

## **Chapter 8.90 MARIJUANA**

### **8.90.010 Purpose.**

This chapter is declarative of existing law. The Carlsbad Municipal Code, Title 21 (Zoning), only allows land uses permitted by the code. No provision of the Carlsbad Municipal Code allows any marijuana operation or land use of any kind within any zone. The purpose and intent of this chapter is to clarify the intent of the Carlsbad Municipal Code to prevent the cultivation, delivery, distribution, and sale of marijuana within Carlsbad city limits to the fullest extent of the law. Commercial marijuana activity has judicially recognized adverse secondary effects on the community including, but not limited to, increases in crime in the vicinity of or as a result of the commercial marijuana activity; increases of fraud in obtaining or using state-issued identification cards and licenses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of commercial marijuana activity as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. Prohibition of commercial marijuana activity is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of commercial marijuana activity while at the same time protecting the rights of those individuals who desire to use marijuana within his or her private residence as authorized under the Adult Use of Marijuana Act.

Further, it is the intent of this chapter to limit the demands on police and other city resources and allow time for the state to establish and implement its regulatory and licensing programs under the Medical Marijuana Regulation and Safety Act of 2015 and Adult Use of Marijuana Act of 2016.

This chapter is not intended to conflict with federal or state law. It is the intention of the City Council that this chapter be interpreted to be compatible with federal and state law. To the



extent that this chapter may be deemed to conflict with any provision of state law, the City Council has determined that the subject of the conflict is a municipal affair.

#### **8.90.020 Definitions.**

For the purposes of this chapter, the following definitions apply:

“Commercial marijuana activity” means any cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana requiring a license from the State under either Division 8, Chapter 3.5, or Division 10 of the California Business and Professions Code, whether or not carried on for profit and including medical marijuana cooperatives and collectives.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

“Delivery” means the transfer of marijuana, including the use of any technology platform to arrange for or facilitate the transfer of marijuana, by any business, cooperative, or collective, whether or not carried on for profit, to or from any location within the City of Carlsbad.

“Marijuana” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture, concentrate, or preparation of the plant, its seeds, or resin; and edible or topical products containing any of the above. “Marijuana” does not include industrial hemp, as defined in California Health and Safety Code section 11018.5.

“Indoors” means a code compliant space within a building, greenhouse, or other structure which is fully enclosed, with a complete roof enclosure supported by connecting walls extending from the ground to the roof, and is secured against unauthorized entry, and accessible only through one or more locking doors.

“Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling unit.

#### **8.90.030 Prohibited Activities.**

A. Commercial marijuana activity is prohibited within the City of Carlsbad. No person shall engage in any commercial marijuana activity. No permit, license, or other authorization shall be issued for any commercial marijuana activity. This prohibition does not apply to the carriage of marijuana on public roads in the City of Carlsbad to the limited extent required by Sections 19338(b), 19340(f), 26080(b), and 26090(c) of the California Business and Professions Code.

B. To the extent not already covered by subsection A, delivery of marijuana is prohibited. No person shall conduct delivery or participate in the delivery of marijuana.



C. Cultivation of marijuana is prohibited, except indoors at a private residence as authorized by Section 11362.2(a) of the California Health and Safety Code. Marijuana grown indoors shall be completely screened from view from public places and neighboring properties. Nothing in this chapter is intended to, nor shall it be construed to, preclude any owner of real property from limiting or prohibiting marijuana cultivation by its tenants.

D. No person shall smoke or ingest marijuana in any public place.

#### **8.90.040 Public Nuisance.**

Any violation of this chapter is hereby declared a public nuisance and, as such, may be abated or enjoined from further operation within the City of Carlsbad.

#### **8.90.050 Violations.**

A. Any person who violates this chapter shall be guilty of a misdemeanor except: where Division 10, Chapter 6, Article 2 of California Health and Safety Code limits punishment to an infraction; or where the limited exemptions from criminal prosecution under Sections 11362.71 or 11362.775 of the California Health and Safety Code, related to qualified patients and designated primary caregivers, apply. Under subsection 1.08.010(C) of this code, each and every day during which a violation occurs shall be a separate offense.

B. The city may impose administrative penalties under Chapter 1.10 of this code for violations of this chapter.

#### **8.90.060 Severability.**

If any section, subsection, sentence, or clause of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

SECTION 3: That Carlsbad Municipal Code section 1.08.010 is amended to read as follows:

#### **1.08.010 Designated.**

A. Whenever in Chapters 6.03, 8.16, 8.44, 8.48, 8.50, 8.90, 11.28 and 15.12, or as specified in Sections 1.13.040, 1.20.330(c), 1.20.330(d), 5.10.130, 6.04.130, 8.17.200(A)(1), 8.17.200(A)(2), 8.17.200(A)(3), 8.17.200(A)(4) and 17.04.070 of this code any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, the violation of any such provision is a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding six months, or by both such fine and imprisonment unless some other fine or penalty is stated in said chapter or section.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption; and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary

of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_\_ day of \_\_\_\_\_, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CELIA A. BREWER, City Attorney

\_\_\_\_\_  
MATT HALL, Mayor

\_\_\_\_\_  
BARBARA ENGLESON, City Clerk

(SEAL)



Redline/Strikeout Version of Ordinance

New language is underlined and deleted language is ~~struck out~~

## **Chapter 8.90 MARIJUANA**

### **8.90.010 Purpose.**

This chapter is declarative of existing law. The Carlsbad Municipal Code, Title 21 (Zoning), only allows land uses permitted by the code. No provision of the Carlsbad Municipal Code allows any marijuana operation or land use of any kind within any zone. The purpose and intent of this chapter is to clarify the intent of the Carlsbad Municipal Code to prevent the cultivation, delivery, distribution, and sale of marijuana within Carlsbad city limits to the fullest extent of the law. Commercial marijuana activity has judicially recognized adverse secondary effects on the community including, but not limited to, increases in crime in the vicinity of or as a result of the commercial marijuana activity; increases of fraud in obtaining or using state-issued identification cards and licenses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of commercial marijuana activity as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. Prohibition of commercial marijuana activity is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of commercial marijuana activity while at the same time protecting the rights of those individuals who desire to use marijuana within his or her private residence as authorized under the Adult Use of Marijuana Act.

Further, it is the intent of this chapter to limit the demands on police and other city resources and allow time for the state to establish and implement its regulatory and licensing programs under the Medical Marijuana Regulation and Safety Act of 2015 and Adult Use of Marijuana Act of 2016.

This chapter is not intended to conflict with federal or state law. It is the intention of the City Council that this chapter be interpreted to be compatible with federal and state law. To the extent that this chapter may be deemed to conflict with any provision of state law, the City Council has determined that the subject of the conflict is a municipal affair.

### **8.90.020 Definitions.**

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"Commercial marijuana activity" means any cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana requiring a license from the State under either Division 8, Chapter 3.5, or Division 10 of the California Business and Professions Code, whether or not carried on for profit and including medical marijuana cooperatives and collectives.

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"Marijuana" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture, concentrate, or preparation of the plant, its seeds, or resin; and edible or topical products containing any of the above. "Marijuana" does not include industrial hemp, as defined in California Health and Safety Code section 11018.5.

"Indoors" means a code compliant space within a building, greenhouse, or other structure which is fully enclosed, with a complete roof enclosure supported by connecting walls extending from the ground to the roof, and is secured against unauthorized entry, and accessible only through one or more locking doors.

"Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling unit.

#### **8.90.030 Prohibited Activities.**

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B. To the extent not already covered by subsection A, delivery of marijuana is prohibited. No person shall conduct delivery or participate in the delivery of marijuana.

C. Cultivation of marijuana is prohibited, except indoors at a private residence as authorized by Section 11362.2(a) of the California Health and Safety Code. Marijuana grown indoors shall be completely screened from view from public places and neighboring properties. Nothing in this chapter is intended to, nor shall it be construed to, preclude any owner of real property from limiting or prohibiting marijuana cultivation by its tenants.

D. No person shall smoke or ingest marijuana in any public place.

#### **8.90.040 Public Nuisance.**

Any violation of this chapter is hereby declared a public nuisance and, as such, may be abated or enjoined from further operation within the City of Carlsbad.



**8.90.050 Violations.**

A. Any person who violates this chapter shall be guilty of a misdemeanor except: where Division 10, Chapter 6, Article 2 of California Health and Safety Code limits punishment to an infraction; or where the limited exemptions from criminal prosecution under Sections 11362.71 or 11362.775 of the California Health and Safety Code, related to qualified patients and designated primary caregivers, apply. Under subsection 1.08.010(C) of this code, each and every day during which a violation occurs shall be a separate offense.

B. The city may impose administrative penalties under Chapter 1.10 of this code for violations of this chapter.

**8.90.060 Severability.**

If any section, subsection, sentence, or clause of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

**1.08.010 Designated.**

A. Whenever in Chapters 6.03, 8.16, 8.44, 8.48, 8.50, 8.90, 11.28 and 15.12, or as specified in Sections 1.13.040, 1.20.330(c), 1.20.330(d), 5.10.130, 6.04.130, 8.17.200(A)(1), 8.17.200(A)(2), 8.17.200(A)(3), 8.17.200(A)(4) and 17.04.070 of this code any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, the violation of any such provision is a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding six months, or by both such fine and imprisonment unless some other fine or penalty is stated in said chapter or section.